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OFFICE OF PETITIONS

In re Application of	:	
Saverio Carl FALCO et al.	:	
Application No. 10/076,785	:	ON PETITION
Filed: February 15, 2002	:	
Attorney Docket No. BB1336USCIP	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 16, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed May 5, 2005, which set a shortened statutory period for reply of three (3) months. A one (1) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, by operation of law, the above-identified application became abandoned on September 6, 2005.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 11/303,558, filed December 16, 2005.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,020 extension of time fee submitted with the petition on December 16, 2005 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Charles A. Marmor, II at (571) 272-6052 or in his absence, the undersigned at (571) 272-7099.

A handwritten signature in black ink, appearing to read 'David A. Bucci', with a stylized flourish at the end.

David A. Bucci
Petitions Examiner
Office of Petitions